

REMARKS

This application has been reviewed in light of the Office Action mailed June 20, 2007.

Reconsideration of this application in view of the below remarks is respectfully requested.

Claims 1 – 12 are pending in the application with Claims 1, 5 and 10 being in independent form.

By the present amendment, Claims 1 – 5, 8, 9, 11 and 12 are amended. No new subject matter is introduced into the disclosure by way of the present amendment.

I. Rejection of Claims 1 - 12 Under 35 U.S.C. § 101

Claims 1 – 12 are rejected by the Examiner under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter, because the claimed features do not fall under any of the four statutory classes of invention.

Specifically, with regards to Claims 1, 2, 5 and 10, the Examiner contends that the language in the claims raises an issue because a “token table” does not define a physical structure and is directed merely to an abstract idea that is not tied to an article of manufacture that would result in a practical application producing a useful, concrete and tangible result.

However as currently amended, Claims 1 and 5 recite a “token storage means” which is a physical structure. “token storage means” is believed to overcome the § 101 rejection because storage means includes structural elements such as solid-state memory chips, computer readable media, etc., as well as data structures such as a token table.

Support for a token storing means is found throughout the specification. For example, page 14, lines 9 – 24 refer to the token table storing permission character strings and tokens, thus implicitly a memory is provided for the purpose of storing the permission character strings and tokens. It is well known that mobile terminals are disposed with various types of memory, such as microSD cards, random access memory (RAM), read-only memory (ROM), as well as other

forms of storage means. The mobile terminal of the present invention implicitly includes some or all of these types of storage means since it is clearly stated that applications are downloaded to the mobile terminal and programming objects and classes such as, for example, 'java.lang.object' are stored within the mobile terminal.

Additionally, Claim 2 has been amended to recite: "...searching the stored tokens using a token which is a conversion result of the conversion process, and determining whether the token exists among the stored tokens or not" in order to conform to the language recited in Claim 1.

Regarding Claim 10, reference is made to storing tokens without specifying where or in what manner the tokens would be stored. Therefore, Claim 10 is not limited to storing tokens in an token table data structure, but rather the token can be stored in any storage medium and using any organizational method. Consequently, Claim 10 is believed to traverse the present rejection.

Regarding Claims 3 and 11, the Examiner contends that the specification raises an issue that the "recording medium" can be interpreted to include electric signals or carrier waves, which the Examiner erroneously believes would result in the claimed subject matter being directed to merely an abstract idea that is not tied to an article of manufacture that would result in a practical application producing a useful, concrete and tangible result.

However, the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", published November 22, 2005, (hereinafter, "Interim Guidelines") clearly considers such a claim to be statutory matter. The Interim Guidelines are clear in stating: "a signal encoded with functional descriptive material is similar to a computer-readable memory encoded with functional descriptive material, in that they both create a functional interrelationship with a computer. In other words, a computer is able to execute the encoded functions, regardless of whether the format is a disk or a signal" that signal claims encoding, or

representing, functional descriptive material should be treated in the same manner as

“computer-readable medium” claims. (See: Interim Guidelines, Annex IV(c), para. 7).

Moreover, a computer program embedded in a carrier wave, or electric signal, is in fact a manufacture of man, since without the necessary ingenuity of man the carrier wave, or electric signal, would not contain such a program in nature. Therefore, such a signal is manufactured under the definition of “manufacture” commonly understood and provided in Webster’s Dictionary as: “...the act or process of producing something.”

Accordingly, Applicant submits that the rejection with respect to Claims 3 and 11 has been traversed. Claims 4 and 12, which recite similar language to Claims 3 and 11, recite statutory subject matter for the same reasons.

Regarding Claims 4 and 12, the Examiner contends that these claims are not a process under § 101, because they do not recite a series of steps. While not mentioned by the Examiner, Claims 3 and 11 recite similar language; therefore Applicant assumes that omission of Claims 3 and 11 is an oversight on the Examiner’s part.

In response, Claim 4 has been amended to recite: “The permission token management method as in claim 2, wherein the steps are embodied as a program embedded in an electrical signal for causing a computer to execute each step.” Claims 3, 11 and 12 are amended in a similar manner. Additionally, Claims 3, 4, 11 and 12 depend from independent Claims 2 and 10, and thus include all the limitations recited by those independent claims, thus Claims 3, 4, 11 and 12 do in fact recite a series of steps. Therefore, Claims 3, 4, 11 and 12 are believed to meet the requirements of a process as defined in 35 U.S.C. § 101.

II. Rejection of Claims 1 – 12 Under 35 U.S.C. § 102(b)

Further, Claims 1 – 12 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,092,194 issued to Touboul.

Touboul discloses a security policy system and method, in which a Downloadable ID is generated from the URL of the downloadable, recipient's userID, and a digital hash of the complete Downloadable code. A policy finder uses the Downloadable ID and userID of the recipient to determine the applicable stored security policy that applies to the downloadable.

In contrast, the present invention does not check for security policies, rather the term "permission" is defined in the specification as "a function restricted for security purposes". Such functions, in the case of Java applets are separate snippets of programming code, or classes, which may be pre-installed on a terminal and accessed by the applets. Thus, the tokens do not correspond to security policies but instead correspond to these classes.

The bytecode of the application to be downloaded references the permissions, or functions, using character strings such as, for example, `java.lang.object` or `java.lang.thread` in the case of a Java applet. This permission character string, indicating a specific permission, is converted by the conversion means. The output of the conversion process is a token that is then used for searching through the token table, i.e. token storage means, in order to determine if a matching token exist in the token table.

Moreover, the Touboul Downloadable ID is unique to that particular downloadable, while Applicant's claimed token is not unique because many programs may require access to the same permission, or class.

It is well-settled by the Courts that "[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the

claim.” Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al.,
730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984).

Therefore, as demonstrated above, because Touboul does not disclose each and every element recited in the present claims, Applicant respectfully submits that the rejection has been obviated. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1 – 12 under 35 U.S.C. § 102(b).

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 12 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



Paul J. Esatto, Jr.

Registration No. 30,749

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza - Ste. 300
Garden City, New York 11530
(516) 742-4343

PJE:DAT